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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRANSMISSION
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>2-18-16</u>

DIANA MEY, individually and on behalf of a
class of all persons and entities similarly situated,

Plaintiff,

vs.

YELLOWSTONE CAPITAL, LLC,

Defendant.

Case No. 15 Civ. 00854(PAC)

[PROPOSED] ORDER ON:
JOINT STIPULATION
TO EXTEND STAY OF ACTION

Plaintiff Diana Mey, individually and on behalf of a class of all persons and entities similarly situated ("Plaintiff"), and Defendant Yellowstone Capital, LLC ("Defendant"), through their undersigned counsel and upon the Court's approval, proffer this joint stipulation to extend the stay of the above-captioned action.

WHEREAS, on or about June 16, 2015, Plaintiff and Defendant agreed that the prospective decision of the Supreme Court of the United States (the "Supreme Court") in *Campbell-Ewald Co. v. Gomez*, 768 F.3d 871 (9th Cir. 2014), *cert. granted*, No. 14-857, 2015 WL 246885 (May 18, 2015) ("Campbell-Ewald"), might provide guidance concerning the disposition of this action; and

WHEREAS, on June 18, 2015, the Court so-ordered the parties' joint stipulation to stay this action pending the issuance of the Supreme Court's decision in *Campbell-Ewald* (the "Stay") and directed the parties to advise the Court when a decision issued. *See* Dkt. No. 21; and

WHEREAS, on January 20, 2016, the Supreme Court issued its decision in *Campbell-Ewald* (*see* 577 U.S. ____ (2016)), a copy of which is attached as Exhibit A; and

WHEREAS, Plaintiff and Defendant have agreed that the Stay should be extended so that the parties can pursue mediation, which has been scheduled for April 12, 2016, with Hon. Bernard J. Fried (Ret.) at the New York JAMS location; it is

STIPULATED AND AGREED that, upon the Court's approval, the Stay in this matter is extended so that the parties can pursue mediation; and it is

STIPULATED AND AGREED that during the proposed Stay, the parties will also be conducting some agreed-upon discovery. If the mediation is successful, the parties anticipate being able to submit a motion for preliminary approval of a class action settlement by May 2, 2016; and it is

STIPULATED AND AGREED that, if mediation between the parties is not successful, the parties will submit a schedule for the remaining discovery in this matter by May 2, 2016.

This stipulation may be executed in counterparts and photocopies and/or facsimile copies of this stipulation shall be valid as if signed in the original.

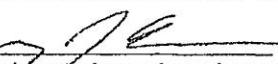
SIGNATURE PAGES TO FOLLOW

Dated: New York, New York
February 16, 2016

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SO ORDERED:


HON. FAUL A. CROTTY
UNITED STATES DISTRICT JUDGE